

MEETING NARRATIVE 3/2/2102 MACKAY FIREHALL

This is an approximate narrative of the discussion at a meeting held at 1 pm on March 2nd, 2012 at the Mackay firehouse to address concerns raised in a letter written to 4 legislators signed by Mitchell Sorenson, Loy Pehrson, and Jay Jensen dated February 21, 2012. The IDWR interim director Gary Spackman had received the letter from one of the addressees and contacted Seth Beal, chairman of the Advisory Committee for Water District 34 with the objective of empowering the Advisory Committee to address concerns voiced in the letter. Also invited to the meeting were all members of the Advisory Board, Recharge Committee, and the Board of Directors of the Big Lost River Irrigation District as well as Jim Rindfleisch, manager of the BLRID and Roger Totten, Watermaster of Water District 34. Interested members of the public also attended. Director Spackman and Nick Miller, of IDWR were present. A list of the attendees is attached and an audio cd of the meeting is included.

Chairman Beal opened the meeting stating that if actions were to be taken on points raised in the letter, it could potentially affect the budget proposed for the upcoming (Monday March 9th) annual meeting of Water District 34, hence it was necessary to discuss the points prior to the annual meeting. He said that IDWR was attending the meeting to best figure out how to respond to inquiries about it from the recipients of the letter. Chairman Beal clearly stated that the intent was to air principles that need to be addressed, it was not a "witchhunt or character assassination" of the letter writers who were all present, nor was there any intent to deny any individual access to any grievance process they might choose. Darrell McDonald and Darrell Lee McDonald, both of the Advisory Committee, made a motion to cancel the meeting until the letter's recipients could be notified and attend, stating that the letter writers broke the rules they accuse others of breaking. They had not followed District 34's Rules for Protocol and Resolution for Problems first approved by the District in 2006. (see attachment A) The motion did not pass, again with concerns about needing the meeting to decide if the annual budget would need to be changed. Chairman Beal then went sequentially through the points raised in the

#1 Provide for adequate measuring facilities needed to properly regulate and account for surface water diversions of the Big Lost River.

Nick Miller gave a general explanation of gauges. Watermaster Totten reported information he had gotten from Dave Ebbets at the USGS that the cost of installing each gauge would be \$15,000 per gauge, and it would cost \$17,500 to read each gauge annually. First a gauge at the Moore Diversion was discussed.

There were suggestions of using an existing concrete bridge abutment one mile downstream from the Moore diversion as a place to install a more cost effective staff gauge. This placement was unacceptable to Jay Jensen. Mike Dotzenrod of the Advisory Board raised a question about access for USGS personnel to read the Moore diversion gauge as it is on private land. He recommended the use of a staff gauge on the existing concrete structures at the Moore and Arco diversions due to cost. Additionally he asked what % of variation is within the legal range. Nick Miller responded that 10% fluctuation was considered standard. Director Spackman offered that IDWR could dedicate staff time to evaluate modifying the concrete structures to make them compliant for accurate staff gauge readings.

Next the Arco diversion was discussed with Nick Miller offering that the gauge there helps water delivery by adding to knowledge about river reach gains. There was discussion about where to put a staff gauge and if the gauge at the end of the Eastside Canal needed repair, as well as if there is no water in the river are existing measuring devices at the Munsey and Arco diversions sufficient. Director Spackman pointed out that Water District 34 is the only district in the state with actual legislatively approved rules. The director is required to follow those rules or the district needs to amend them legislatively. There is no discretion on enforcement.

Jay Jensen objected to the meeting as piecemeal approach to fixing problems more numerous than just those stated in the letter, and stated that he had signed the letter with the intent that all the rules of Basin 34 need to be followed as written. Mike Dotzenrod replied that we all have the intention to follow the rules, and we need to look at ourselves. He pointed out that at a recent meeting of the Advisory Board, in discussion about the Recharge Committee budget, with all 3 of the letter writers present on the Recharge Committee, there was no effort made to include measuring devices in the Recharge Committee's proposed budget even though they

are required by the Recharge Rules of Operation. Chairman Beal noted that Rome wasn't built in a day and this meeting is a start to prioritize infractions that need to be cured. And that we need to gain confidence in the process already in place of going to the Watermaster and Advisory Board Members with concerns. Director Spackman said he wanted to temper his remarks about rules, that there is always ambiguity in language and that he wanted to empower the Advisory Board. Darrell McDonald stated that Mitchell Sorenson had violated every concern in the letter and that if he (McDonald) was IDWR he would be miffed. Director Spackman stated a desire to be fair and transparent.

#2 Require water users to comply with the rules by notifying the watermaster when they intend to use water so as to avoid confusion, inefficiencies, and conflict.

In response to Chairman Beal's request for specificity, Mitchell Sorenson stated a desire for a more perfect method of efficiencies, that water not be lost in the desert and out the ends of canals. Trilby McAfee of the Recharge Committee pointed out that she was guilty of that by turning off one wheel line if there was insufficient water in order to keep the other two lines running and that that extra water would go downstream. Jay Jensen suggested that we each have the responsibility to handle our own excess water on our own property in such a scenario. Darrell McDonald questioned what could be done if power goes off and water stays in the canal. Mike Dotzenrod pointed out that Jay's suggestion wouldn't help efficiency; it would be wasting water on your own land and that efficiency is about delivery calls and working together. Mitchell Sorenson commented that there had been substantial volumes of water flowing for weeks to Arco and too much water was diverted into canals. Chairman Beal questioned Jim Rindfleisch, manager of the Big Lost River Irrigation District, if problems/comments about that had been brought to his attention. Jim said that no one had told him that we had a problem and Watermaster Totten said that he was at the ends of those ditches almost every day. Keith Hill, member of the Advisory board from above the reservoir commented on the heavy scrutiny users up there are subject to.

Loy Pehrson and Mitchell Sorenson walked out of the meeting at this point. Chairman Beal invited them to return if they so chose. Mitchell Sorenson replied he would return if the discussion could continue in a cordial fashion. Jay Jensen

followed them out saying he was leaving due to personal attacks, and that he had been addressing the same issues for 22 years and not getting anywhere. He said there are other venues for them to go with their concerns. As Jay was preparing to leave Mike Dotzenrod repeatedly stated that his earlier remarks about measuring devices were not personal attacks and he offered to leave the meeting if Jay Jensen wanted to stay. Jay left.

Chairman Beal expressed regret at the writers' leaving as a missed opportunity, but was willing to continue the meeting if others chose to stay and rely on those present to interpret the content of the letter and the issues to be addressed. Director Spackman reiterated his intention to empower the Advisory Board and that he was willing to stay as long as wanted.

There was discussion about the accusation in the letter concerning ditchriders having conflict of interest between delivering BLRID storage water vs. District 34 surface water. The general consensus was that this was not an issue, that is was a thankless, low paying job and that it was difficult to find applicants to fill vacancies. Chairman Beal asked Jim and Roger if they had received any calls concerning uncontrolled excess flows as commented on by Mitchell Sorenson. Both Jim and Roger said no. Trilby McAfee reaffirmed the necessity of following existing protocols if there is a problem with ditchriders, not slandering the whole group of ditchriders. Harvey Walker of the Recharge Committee stated that he would like more answers from ditchriders. Chairman Beal reiterated the necessity of following the process in place and of calling Jim.

Larry Quist of the Recharge Committee reiterated the need for a cheaper alternative to \$35,000 annually for two gauges. Shane Rosencrance questioned how much better accounting would be had for such an additional cost. Chairman Beal reiterated that the District 34 rules do require measuring devices and the most cost effective alternative would be pursued. Director Spackman clarified that the Department has the authority to oversee turnout at the headgates, through the job of the watermaster. It is not the Department's responsibility to go down individual canals and oversee them. That is the responsibility of individual users. Nor would it be up to IDWR to oversee some dual (BLRID vs District 34) ditchrider setup.

Watermaster Totten stated that there had been no real problem with ditchriders acting for BLRID independently of District 34.

Mike Dotzenrod requested a discussion/clarification of reverse math as referred to in the letter. Nick Miller gave an illustrated presentation on how reverse math works, and when asked by Mike if there was another way to account, Nick replied that this system is efficient, except that priority dates are called before actual demand is known.

#3 The proper and equitable delivery of water supplies from canals and laterals.

There was discussion that no water was denied delivery at a heading unless the canal was being cleaned or there was a temporary blockage. Nick Miller said that LoyPehrson had complained to him about not having his water delivered in the 3-in 1 canal. Jim Rindfleisch said that 800 inches had been turned into the 3-in 1. Various waterusers present discussed different individual scenarios in which shrink or drying up of the canal due to low demand made deliveries impossible. The 3-in1 ditch was particularly discussed in this regard.

Kirby Jensen raised a concern about lack of transparency and inability of ditchriders to show how they figured water deliveries. There was a discussion of the costs of transparency via improved well measuring devices and the expense of them. Randy Purser of the Recharge Committee commented that even though he operates 6 wells he welcomed improved, albeit expensive, measuring devices as an opportunity to bring quality into the system.

The source of the last quote in the letter was mentioned by Mike Dotzenrod as having perhaps come from the Cain lawsuit which did not involve the BLRID or District 34, so they could not defend against the allegations. Harvey Walker disagreed to the source of the quotes but did not offer another.

There was discussion of the delivery system unique to the Moore Canal. Jim said the rotation system within the canal has knocked shrink back from 50% to 35%.

#4 It is unlikely that waterusers will elect a watermaster that is committed to enforcing the water distribution rules on an impartial basis, and that is willing to comply with the rules himself.

Chairman Beal opened discussion of this portion of the letter by smilingly saying, welcome to the USA. And that there was a need to trust the electorate even in disagreement with them. He stated a preference for a watermaster who lives in, and feels responsible to the community. Kirby Jensen questioned the constitutionality of the rules governing the election of a watermaster..

Director Spackman intervened to assert IDWR's satisfaction with Watermaster Totten, that he should not feel he needs to defend himself individually on all items in #4. Director Spackman reiterated that there will always be complaints and that Watermaster Totten has always done what he is supposed to be doing.

Jim Gregory of the Recharge Committee stated that he had been present during the conversation quoted in #4a. and that the quote is a bit off in that the statement was from someone else putting words in Roger's mouth, as evidenced by the quote saying "he knew..." Jim pointed out that if Roger had said it he would have said "I know....:"

Watermaster Totten expressed frustration at not being able to recharge in high water, but couldn't due to the rules. He stated that he is not trying to create animosities ever.

Mike Dotzenrod addressed the issues raised in #4c stating the only time flooding occurred, it was due to a dam that Loy Pehrson had placed in the North Channel of Antelope Creek, causing it to flood Dotzenrod's and Shawn Anderson's property. And #4e, Mike Dotzenrod stated that the Hanrahan ditch doesn't operate any differently than any other private ditches in the District. Its headgate is overseen and water measured by the ditchrider and Watermaster. Mike expressed resentment at the implications in the letter. Trilby McAfee agreed with Mike, stating that the South Channel of Antelope is the flood channel and it is only dealt with for debris cleaning and that the Hanrahan ditch isn't big enough to hold all the water decreed to it. Watermaster Totten commented that other ditches operate the same way as the Hanrahan and for it to be handled differently would require another \$45,000 for extra ditchriders. Mike Dotzenrod commented on #4d and the heavy rains in early October. Chairman Beal noted that he has records of water being put to beneficial use in October.

Alvin Wheeler of the Recharge committee thanked Roger for doing a good job.

This ended the discussion of the concerns raised in the letter. Several other items pertaining to the upcoming annual meeting were clarified. The meeting adjourned slightly before 5 pm.